



Governor Kim Reynolds
Lt. Governor Adam Gregg
San Wong, Director

Public Safety Advisory Board Minutes of Regular Meeting

**Iowa State Capitol
Legislative Dining Room
1007 E. Grand Avenue
Des Moines, Iowa**

November 15, 2017

- Present:** Tom Walton, Chair; Tiffany Allison; Kim Cheeks; DeAnn Decker; Tom Ferguson; Amber Markham; Andrea Muelhaupt; Beth Skinner; Sherri Soich; Kurt Swaim; Doug Wolfe; **Ex-Officio:** Hon. Romonda Belcher; Hon. Jeffrey Neary; Sen. Rich Taylor; Sen. Brad Zaun
- Staff:** Steve Michael; Kile Beisner; Sarah Fineran; Julie Rinker; Lanette Watson; Cheryl Yates
- Presenters:** Mark Lowe, Director; Sara Siedsma; Melissa Spiegel; Iowa Department of Transportation
- Others:** Laura Book; Sheila Corsbie; JoAnn Finkenbinder; Bill Freeland; Bob Greenlee; Brian Guillaume; Dr. Al Hays; Pam Hays; Anna Hyatt; Karen Person; Alice Wisner; Daniel Zeno

I. Call to Order, Welcome, and Introductions

Tom Walton, Chair, called the meeting to order at 10:03 a.m. A quorum was present. Introductions were made.

II. Approval of Minutes – September 20, 2017

Tiffany Allison moved to approve the minutes from the September meeting, seconded by Doug Wolfe. The motion was unanimously approved.

III. Iowa Department of Transportation Discussion

Mark Lowe, Director, Iowa Department of Transportation (DOT), provided an overview on drivers' license suspensions and revocations. Approximately two-thirds of sanctions are due to the inability to pay fines that are unrelated to driving—non-payment of court debt and child support are the top two sanctions. The DOT advocates for driving safety and prefers to keep safe drivers in the system, not prevent them from driving for unrelated reasons. He reviewed options for payment installments for civil fines and penalties, and noted that these options can be set by county attorneys who participate in a reinstatement program.

Suspended drivers continue to drive while barred due to employment and other necessary reasons.

Lowe reviewed driving sanctions related to felony drug convictions, a federally required 180-day suspension to receive federal funds. However, the federal requirement can be bypassed if the legislature passes a resolution and the governor's office agrees to do so—which can be a two-year process. He reviewed the process and a list of states that have done so. Some states have undergone reforms and have included a debt forgiveness clause.

Discussion included the following:

- Although racial data is not available, Daniel Zeno, ACLU, noted that disparities exist for low income and people of color.
- Judge Romonda Belcher added that most people in court are indigent and noted the relationship between the inability to commute to work and payment of fines.
- Walton asked if there was a rational basis related to drug offenses and a higher rate of motor vehicle violations. Lowe responded that there is not a correlation which is why more states are passing a resolution.
- The DOT has not included this in their legislative package this year, but planned to meet with the governor's office and was willing to help draft language if legislation was sponsored. The DOT welcomed a recommendation from this group to move this process and policy reforms forward.
- Senator Rich Taylor asked Lowe to send information to Senate Caucus staff for discussion by the Senate Judiciary Committee during the next legislative session.

Michael noted that the draft Public Safety Advisory Board (PSAB) Annual Report includes a recommendation to support the elimination of certain driving sanctions as was proposed through a motion in the September meeting. He noted that the PSAB can only make recommendations to the Legislature through research and analysis and does not have the ability to sponsor legislation.

IV. No Contact/Protective Order Violations

Beisner referenced a letter from Magistrate Daniel Kitchen to Senator Kevin Kinney summarizing the overall confusion in interpreting charging and sentencing practices for no contact and protective orders due to the wording listed in Iowa Code §664A.7. The letter included suggested modifications to Iowa Code §664A.7 and Iowa Code §664A.2 to clarify sentencing for violations of those code sections.

Cheryl Yates reviewed a report summarizing Iowa Code §664A.7 as well as charges and convictions by judicial district for CY2016. The report highlighted the differences in sentencing across the state and confusion in sentencing.

A lengthy discussion ensued. The following highlights that discussion:

- Ferguson explained the differences between no-contact orders and civil protective orders which can include domestic abuse, domestic assault, and elder abuse. One is a

criminal conviction and the other is contempt of court. Both have a minimum jail time of seven days. A violation of a civil protective order can impose more than seven days jail time.

- Walton asked if there were other associations or groups that would want to weigh in on a recommendation. Judge Neary suggested the County Attorney's Association and/or victim advocacy groups.
- Senator Taylor suggested further discussion by the Senate Judiciary Committee and also suggested giving further discretion to judges on non-criminal cases.
- Amber Markham suggested the Coalition on Domestic Violence may be in favor of lengthier sentences in certain situations.
- Judge Neary spoke on the various types of domestic abuse/abusers and a study underway.
- Doug Wolfe suggested providing more guidance to those making sentencing decisions on the various types of abuse and abusers while allowing discretion based on this information.
- Tiffany Allison cautioned on lessening sentencing for domestic abuse cases.

There was no motion made regarding the matter. Neary offered to contact Becky Kinnamon, Judicial Branch, to provide more information. Allison requested a lethality assessment be included which identifies "high-risk to homicide" abusers.

V. 2017 PSAB Recommendation Discussion

- Driving Sanctions
- Restoration of Voting Rights

Michael noted the recommendations contained in the draft PSAB report.

Beisner added that the purpose of the discussion was to identify if there are other recommendations to be included in the report. Changes included the recommendations discussed during the September meeting. A recommendation regarding Restoration of Voting Rights was tabled at that meeting due to comments made by Representative Wolfe regarding changes to the Iowa Constitution regarding the definition of infamous crimes.

Joann Finkenbinder, League of Women Voters, and Dr. Al Hays, Iowa Justice Action Network, encouraged the restoration of voting rights and supported changing the definition of infamous crime, including removing a marijuana drug conviction and providing flexibility to the governor in restoring voting rights.

Kim Cheeks moved to recommend the legislature define what felonies deprive someone of their voting rights, seconded by Doug Wolfe. The motion was unanimously approved.

VI. Finalizing 2017 PSAB Annual Report

Kurt Swaim moved to send a letter to Results First recommending continued support to implement the model in the Department of Corrections and also expansion to the

juvenile justice policy area. The motion was seconded by Sherri Soich and unanimously approved.

There was consensus to include a recommendation that the legislature review the reinstatement of voting rights for certain offenders.

Swaim moved to approve the report as amended, seconded by Ferguson. The motion was unanimously approved.

VII. Public Comment

There was no public comment.

VIII. Issues for Next Meeting

There were no issues discussed.

IX. Adjournment

Sherri Soich moved to adjourn, seconded by Swaim. The meeting adjourned at 11:43 a.m.

Respectfully submitted,

Julie Rinker
Administrative Secretary
Div. of Criminal & Juvenile Justice Planning
Iowa Department of Human Rights